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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Ronald W. Hartgrove

Serial No.: 10/649,309

Confirmation No.: 5404

Filed: August 27, 2003

For: JEWELRY ARTICLE HAVING
INTERCHANGEABLE SETTING AND
CAPTURE MODULE

Group Art Unit: 3677

Examiner: Jack W. Lavinder

Atty. Docket No.: 11149.0030.NPUS00

RESPONSE TO FINAL OFFICE ACTION

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The following paper is submitted in response to the Final Office Action dated April 8, 2005. Applicant respectfully requests reconsideration of the application in view of the following remarks.

REMARKS IN RESPONSE TO THE OFFICE ACTION:**REJECTION UNDER 35 U.S.C. § 103(a):**

Claims 1–30 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 5,133,195 to Appelbaum et al (“Appelbaum”). Applicant requests that the Examiner reconsider and withdraw the above rejections in view of the following remarks.

The fundamental basis for an obviousness determination under 35 U.S.C. §103(a) was set forth by the Supreme Court in *Graham v. John Deere Co.*, 383 U.S. 1; 148 U.S.P.Q. 459. In subsequent cases involving a determination of obviousness under 35 U.S.C. §103, the Federal Circuit has noted that the following basic tenets of patent law must be adhered to: 1) the claimed